

REMARKS/ARGUMENTS

Claim 31 has been amended to correct a typographical error introduced in an amendment during prosecution. Claim 31 has been amended to recite “means for automatically and dynamically altering a performance policy.”

Applicant’s attorneys thank Examiner Wilson for discussing the application in a telephone interview on July 6, 2010. In the interview, Examiner Wilson and Applicant’s attorney discussed the typographical error in claim 31. Examiner Wilson indicated that a Rule 312 amendment correcting this error would likely be approved. Examiner Wilson requested that structure corresponding to the means now recited in amended claim 31 be identified in the remarks accompanying the Rule 312 amendment.

In at least one embodiment, the means element may correspond to one or more of the network elements 204A, 208A, 208B, and/or 204B shown in Figure 2, each of which may include one or more servers, routers, switches, etc. (Page 13, line 9 through page 14, line 9). The application as filed states that “the term ‘network element’ refers to any hardware or software component of the adaptive feedback-based network of the present invention, including control elements.” (Page 13, lines 29-31). However, this is not the only mapping of the means elements to corresponding structure in the specification, and the mapping is provided solely for the purpose of demonstrating that the claim amendment is fully supported by the application as filed in accordance with 35 U.S.C. § 112 ¶ 6.

Should the Examiner identify any issues that prevent the approval of this request, the Examiner is respectfully requested to call the undersigned at the telephone number set forth below.

Applicant does not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. CISC120C1).

Respectfully submitted,
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